



~~March 21, 2005 CPC~~
~~May 16, 2006 CPC~~
~~May 24, 2006 BS~~
~~July 18, 2006 CPC~~
~~July 26, 2006 BS~~
~~August 15, 2006 CPC~~
~~August 23, 2006 BS~~
September 19, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0155

Continental 184 Fund LLC

Midlothian Magisterial District
Greenfield Elementary, Robious Middle and James River High Schools Attendance Zones
South line of Robious Road

REQUESTS:

- I. Rezoning from Community Business (C-3), Residential (R-7) and Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily residential uses and Conditional Use Planned Development to permit exceptions to Ordinance requirements.
- II. Waiver to street connectivity requirements to Old Farm Road.

PROPOSED LAND USE:

Commercial and multifamily residential uses are planned. Exceptions are requested to permit motor vehicle repair (tire service) uses and to required setbacks from Koger Center Boulevard and Mall Drive Extended. A density for multifamily residential uses of eighteen (18) dwelling units per acre is proposed, yielding a maximum of 453 multifamily dwelling units. (Textual Statement 4.a)

(NOTE: IN ORDER FOR THE PLANNING COMMISSION TO CONSIDER THIS REQUEST AT THEIR MEETING, A \$230.00 DEFERRAL FEE MUST BE PAID PRIOR TO THE PUBLIC HEARING.)

RECOMMENDATION

Request I: Recommend deferral to allow time for Budget and Management to evaluate the proffered conditions submitted on September 11, 2006. If the impacts on capital

facilities are adequately addressed based upon the Board's policy, staff recommends approval of the rezoning with Conditional Use and Conditional Use Planned Development subject to addressing connectivity as discussed herein. This recommendation is made for the following reasons:

- A. The proffered conditions were submitted on September 11, 2006. Budget and Management has not had time to thoroughly evaluate the proffers.
- B. The proposed zoning and land uses conform to the Huguenot/Robious/Midlothian Area Plan which suggests the property is appropriate for regional mixed use and medium density residential use of 1.51 to 4.0 units per acre. The Plan notes that this residential area could be incorporated into the regional mixed use area if done in a comprehensive fashion and designed to provide compatibility with, and transition to, surrounding land uses.
- C. The proposed zoning and land uses are representative of and compatible with existing and anticipated area development.
- D. Pedestrian connectivity between residential developments provides convenient and safe access to neighboring properties. Proffered Condition 5 impedes pedestrian connectivity to Larkhill Lane should not be accepted.

Request II: Recommend denial of the waiver to street connectivity requirements to Old Farm Road for the following reason:

The standards by which an exception to street connectivity should be granted have not been met.

- (NOTES:
- A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.
 - B. IT SHOULD BE NOTED THAT AMENDMENTS TO THE PROFFERED CONDITIONS AND TEXTUAL STATEMENT WERE NOT RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOODS(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE AMENDMENTS.)

PROFFERED CONDITIONS

The Owner, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the property under consideration, known as Chesterfield County Tax Identification Numbers 742-711-6653 (part parcel), 742-711-0925, 742-712-4671, 742-712-9735, 742-712-9467, 742-713-9753, 742-713-8076, 743-711-7937 (part parcel), 743-712-1198, and 743-713-0527 (the "Property"), will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Owner. In the event this request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect:

1. Master Plan. The textual statement dated September 8, 2006, and the Conceptual Plan, prepared by Vanasse Hangen Brustlin, Inc., dated September 7, 2006, ("Conceptual Plan") shall be considered the Master Plan. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Public Water and Wastewater. The public water and wastewater systems shall be used. (U)
4. Building Height. Within the portion of the Property developed for multifamily use, no building shall exceed two (2) stories in height. (P)
5. Barrier Near Terminus of Larkhill Lane. A landscape barrier and/or fence shall be provided to impede pedestrian traffic between the Property and Larkhill Lane. The exact location and nature of such barrier shall be approved by the Planning Department in conjunction with the initial site plan approval. (P)
6. Density. The maximum density of this development shall be 160,000 square feet of discount club, 218,000 square feet of shopping center, 4,000 square feet of fast-food restaurant with drive through window, 4,000 square feet of drive-in bank and 400 apartments; or equivalent density as determined by the Transportation Department. This density may be increased by the Planning Commission in accordance with paragraph 1 of the Textual Statement. (T)
7. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first:

- a. Forty-five (45) feet of right-of-way on the north side of Koger Center Boulevard measured from the centerline of that part of Koger Center Boulevard immediately adjacent to the Property.
- b. Forty-five (45) feet of right-of-way on the south side of Robious Road measured from the centerline of that part of Robious Road immediately adjacent to the Property.
- c. Seventy (70) foot wide right-of-way for a north/south collector ("Mall Drive Extended") from the western Property line, through the Property to Koger Center Boulevard, as generally shown as "Proposed Right of Way" on the Conceptual Plan. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

8. Access.

- a. Direct vehicular access from the Property to Koger Center Boulevard shall be limited to Mall Drive Extended and two (2) entrances/exits. Mall Drive Extended shall align the existing crossover on Koger Center Boulevard that serves Mall Drive. All other direct entrances/exits to Koger Center Boulevard shall be limited to right-turns-in and right-turns-out only. The exact location of these accesses shall be approved by the Transportation Department.
- b. Direct vehicular access from the Property to Robious Road shall be limited to one (1) entrance/exit, generally located at the western Property line. This entrance/exit shall be limited to right-turns-in and right-turns-out only. The exact location of this access shall be approved by the Transportation Department.
- c. No vehicular access shall be provided from the Property to Old Farm Road or to Sesame Street.
- d. Prior to any site plan approval, an access plan for Mall Drive Extended shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to Mall Drive Extended shall conform to the approved access plan.
- e. Prior to any site plan approval within Area A as identified on the Conceptual Plan, an access easement, acceptable to the Transportation Department, shall be recorded from Mall Drive Extended across the Property to the western Property line to provide access to Mall Drive Extended for the adjacent parcel to the west (Tax ID 7417123204). (T)

9. Transportation Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. The exact design

and length of these improvements shall be approved by the Transportation Department. Alternate road improvements, as requested by the Developer and approved by the Transportation Department, which will provide acceptable levels of service as determined by the Transportation Department, may be substituted for the road improvements identified in this proffered condition:

- a. Construction of a four-lane divided road for Mall Drive Extended, based on VDOT Urban Collector Standards (40 MPH) with modifications approved by the Transportation Department, from the western Property line, through the Property to Koger Center Boulevard.
- b. Construction of additional pavement along the westbound lanes of Koger Center Boulevard at each approved access, including Mall Drive Extended, to provide separate right turn lanes.
- c. Construction of additional pavement along the eastbound lanes of Koger Center Boulevard at the crossover that serves Mall Drive Extended to provide dual left turn lanes.
- d. Construction of additional pavement along Mall Drive Extended at its intersection with Koger Center Boulevard to provide a six-lane divided typical section (i.e., four (4) southbound lanes and two (2) northbound lanes).
- e. Construction of additional pavement along the eastbound lanes of Robious Road at the approved access to provide a separate right turn lane.
- f. Full cost of traffic signalization at the Koger Center Boulevard/Mall Drive Extended intersection, as determined by the Transportation Department.
- g. Construction of additional pavement along Mall Drive Extended at each approved access to provide left and right turn lanes, based on Transportation Department standards.
- h. Construction of a four-lane divided road for Mall Drive Extended, based on VDOT Urban Collector Standards (40 MPH) with modifications approved by the Transportation Department, from the western Property line to Robious Road.
- i. Construction of additional pavement along Mall Drive Extended at its intersection with Robious Road to provide a six-lane divided typical section (i.e., four (4) northbound lanes and two (2) southbound lanes).
- j. Construction of additional pavement along the eastbound lanes of Robious Road at the Mall Drive Extended intersection to provide a separate right turn lane.

- k. Construction of additional pavement along westbound lanes of Robious Road at the crossover that serves Mall Drive Extended to provide an adequate left turn lane.
 - l. Full cost of traffic signal modification at the Robious Road/Mall Drive Extended intersection, as determined by the Transportation Department.
 - m. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above.
(T)
10. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, that: 1) prior to the issuance of an occupancy permit for any development within Area A as identified on the Conceptual Plan, the road improvements as identified in Proffered Condition 9 a., b. (only a right turn lane for Mall Drive Extended), c., d., and f. shall be completed as determined by the Transportation Department; and 2) prior to the issuance of an occupancy permit for any development within Area B as identified on the Conceptual Plan, the road improvements as identified in Proffered Condition 9. h, i., j., k., and l. shall be completed as determined by the Transportation Department. (T)
11. Impacts on Capital Facilities. The Applicant, subdivider, or assignee(s) shall pay, prior to the issuance of each building permit, the following to the County of Chesterfield for infrastructure improvements within the service district for the property:
- a. If payment is made prior to July 1, 2007, \$10,000.00 per dwelling unit; or
 - b. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$10,000.00 per dwelling unit as set forth in Proffered Condition 11(a) above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. If Chesterfield County imposes impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
12. Dedication of Parkland. Upon request by the Parks and Recreation Department, the Owner shall, prior to issuance of any building permit on the Property, dedicate, free

and unrestricted, for the benefit of Chesterfield County, the property known as Tax ID 743-712-5024. (P&R)

GENERAL INFORMATION

Location:

South line of Robious Road, the north line of Kroger Center Boulevard and the west line of Old Farm Road. Tax IDs 742-711-0925 and Part of 6653; 742-712-4671, 9467, and 9735; 742-713-8076 and 9753; 743-711- Part of 7937; 743-712-1198; and 743-713-0527 (Sheet 6)

Existing Zoning:

A, R-7 and C-3

Size:

70.1 acre

Existing Land Use:

Single family residential or vacant

Adjacent Zoning and Land Use:

North - A; Single family residential or vacant

South - C-3; Commercial or vacant

East - C-3, R-7 and A; Commercial, single family residential, public/semi-public or vacant

West - C-4 and A; Commercial, single family residential or vacant

UTILITIES

Public Water System:

A twelve (12) inch water line extends along Kroger Center Boulevard and a twelve (12) inch water line extends along Larkhill Lane that transitions to a six (6) inch water line along a portion of Old Farm Road, adjacent to the northeastern boundary of the request site. In addition, a sixteen (16) inch water line extends along Robious Road, adjacent to this site. Depending upon computer analysis of the public water system in this area, it is anticipated that installation of a twelve (12) inch water line may be required with this development across this site completing the loop between Robious Road and Kroger Center Boulevard. Use of the public water system has been proffered. (Proffered Condition 3)

Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots.

Public Wastewater System:

There is an existing fifteen (15) inch wastewater sub-trunk crossing Koger Center Boulevard at Carmia Way, a sixteen (16) inch line along Robious Road and eight (8) lines within the adjacent Country Place Subdivision (Millsap and Larkhill Lanes). Although wastewater lines in this area were designed anticipating future commercial and retail development, based on how the surrounding area has developed, the amount of system capacity that is currently available to support development of the subject site is unknown. Development of this site will necessitate conducting an engineering study of the existing area wastewater facilities, to determine what system capacity is available, and what improvements/upgrades may be required. Use of the public wastewater system has been proffered. (Proffered Condition 3)

It should also be noted that there is an existing credit with the Utilities Department towards payment of wastewater connection fees for this property. In 1972, the owners of the property at that time pre-paid sewer connection fees for 150 townhouse units at a rate of \$300.00 per unit, for a total credit of \$45,000.00. This credit can be also applied to non-residential uses, but would be subject to the current wastewater connection fee rates based on the size and number of water meters needed by the development for commercial or office uses.

ENVIRONMENTAL

Drainage and Erosion:

The subject property is located on the edge of the Route 60/147 Drainage District with the vast majority of the properties draining to the southwest into the eastern portion of the Drainage District. For that portion of the property that drains to the District, the developer must pay a pro rata fee for drainage improvements in the District; however, implementation of on-site infrastructure components shown on the adopted plan for the Drainage District to include several water quantity Best Management Practices (BMP's) and related infrastructure that can be constructed in lieu of the payment of the fee. With the proper installation of the Drainage District facilities, there will be no on- or off-site drainage or erosion problems and none are anticipated after development.

The property is wooded and as such should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will ensure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 2)

Water Quality:

The property is very flat and shows the potential for large areas of isolated wetlands.

PUBLIC FACILITIES

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 453 dwelling units, this request will generate approximately 146 calls for fire and emergency medical service each year. The applicant has not addressed the impact of this request on fire and EMS. (Proffered Condition 11)

The Bon Air Fire Station, Company Number 4 currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

An exception to the street connectivity policy is requested. Specifically, the applicant has proffered that there will be no street connections to Old Farm Road (Proffered Condition 8.c.). In addition to this connection possibly being required to satisfy Ordinance requirements for the number of access points into this proposed development, in an emergency situation, this connection would benefit both the applicant's project and the surrounding developments. The Fire Department continues to support connectivity between residential developments so that multiple access points are available to assist in an emergency situation.

Gated access must be approved by the Fire Department and conform to the State-wide Fire Prevention Code (IFC) (Textual Statement 5). It should be noted that as proffered, a minimum of two (2) access points must be provided for more than fifty (50) dwelling units.

Schools:

Approximately 240 students, (elementary: 104, middle: 59 and high: 77), could be generated by this development. Currently, this site lies in the Greenfield Elementary School attendance zone: capacity - 684, enrollment - 533; Robious Middle School: capacity - 1,089, enrollment - 1,098; and James River High School: capacity - 2,050, enrollment - 1,980. The enrollment is based on September 30, 2005 and the capacity is as of 2005-2006. This request will have an impact at the secondary levels. There are currently six (6) trailers at Robious Middle.

This case combined with other tentative residential developments and zoning cases in the zones would continue to push these schools to capacity. This case would necessitate some form of relief in the future. The applicant has not fully addressed the impact of this development on schools. (Proffered Condition 11)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development of this property would most likely affect the existing Bon Air and Midlothian Libraries. The Plan identifies a need for additional library space to serve this area of the county and recommends a new library in the Robious Road corridor between Huguenot Road and James River Road. The applicant has not fully addressed the impact of this development on libraries. (Proffered Condition 11)

Parks:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has offered dedication of parkland to assist in addressing the impact of this proposed development on these parks and recreational facilities. This dedication provides an opportunity to expand the adjacent Huguenot Park. (Proffered Condition 12)

Transportation:

The property (70.1 acres) is currently zoned Agricultural (A) and Residential (R-7), and the applicant is requesting rezoning to Regional Business (C-4) with Conditional Use Planned Development. The request will allow part of the property to be developed for Multifamily Residential (R-MF) use. Staff does not support this request because the applicant has not addressed the full impact of the proposed residential development.

The applicant has proffered a maximum density of 160,000 square feet of discount club, 218,000 square feet of shopping center, 4,000 square feet of fast-food restaurant with drive through window, 4,000 square feet of drive-in bank and 400 apartments or equivalent density (Proffered Condition 6). Based on discount club, shopping center, fast-food restaurant with drive through window, drive-in bank and apartment trip rates, development could generate approximately 22,970 average daily trips. These vehicles will be initially distributed along Koger Center Boulevard and to Robious Road, which had a 2005 traffic count of 16,598 vehicles per day. The capacity of this four lane divided section of Robious Road is acceptable (Level of Service B) for the volume of traffic it carries.

The applicant submitted a conceptual plan that subdivides the property into two tracts; Area A consisting of 49.9 acres designated for C-4 uses, and Area B consisting of 20.2 acres designated for R-MF use. The Textual Statement allows the acreages of these tracks to be

modified (Textual Statement Condition 1). According to Textual Statement Condition 1, the Planning Commission may increase the density of this proposed development if there is a change in the size of Area A and Area B.

The Thoroughfare Plan identifies Koger Center Boulevard and Robious Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way measured from the centerline of these roads, in accordance with that Plan. (Proffered Condition 7.a and b)

The Thoroughfare Plan also identifies a proposed north/south collector ("Mall Drive Extended") with a recommended right of way width of seventy (70) feet, extending from Koger Center Boulevard at the Mall Drive intersection through the property, to Robious Road. The applicant has proffered to dedicate right of way and construct a four-lane divided road for Mall Drive Extended from Koger Center Boulevard through the property to Robious Road. (Proffered Conditions 7.c, 9.a and 9.h)

Development of the property must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Koger Center Boulevard and to Robious Road, and to collectors, such as Mall Drive Extended, should be controlled. The applicant has proffered that direct vehicular access from the property to Koger Center Boulevard will be limited to Mall Drive Extended and two (2) entrances/exits (Proffered Condition 8.a). These entrances/exits will be limited to right-turns-in and right-turns-out only. The applicant has proffered that access to Robious Road will be limited to one (1) right-turns-in and right-turns-out only entrance/exit, generally located at the western property line (Proffered Condition 8.b). The applicant has also proffered that an access plan will be submitted, for Transportation Department review and approval, which shows access from the property to Mall Drive Extended (Proffered Condition 8.d). Access to Mall Drive Extended will be based on the approved access plan. Proffered Condition 8.e requires that an access easement be recorded across the property to provide access to Mall Drive Extended for the adjacent properties to the west (Proffered Condition 8.e). To address neighborhood concerns, the applicant has proffered that no access will be provided from the property to Old Farm Road or to Sesame Street. (Proffered Condition 8.c)

The traffic impact of this development must be addressed. The applicant has proffered many of the customary road improvements for a development of this density, such as a four-lane divided road for Mall Drive Extended from Koger Center Boulevard through the property, adequate lanes along Koger Center Boulevard at each access, turns lanes along Mall Drive Extended based on Transportation Department standards, full cost of traffic signalization at the Koger Center Boulevard/Mall Drive Extended intersection, and a separate right turn lane along Robious Road at the approved access (Proffered Condition 9.a. through g). The applicant has also proffered to construct several road improvements north of the property that include a four-lane divided road for Mall Drive Extended from the property boundary to Robious Road, and turn lanes plus traffic signal modification at the Robious Road/Mall Drive Extended/Cranbeck Road intersection (Proffered Condition 9. h. through l).

The intersection of Koger Center Boulevard/Mall Drive intersection that the applicant has proffered to improve has been identified as a high accident location. Federal safety funds have been obtained to improve this intersection. The Virginia Department of Transportation (VDOT) is managing this safety project, which will provide a traffic signal at this intersection and scheduled to be installed sometime this year. If VDOT installs this traffic signal prior to the development of this project, the developer will be required to then modify the existing signal.

The applicant has also proffered to provide a phasing plan for the proffered road improvements (Proffered Condition 10). According to Proffered Condition 10, the approved phasing plan would require, with initial development of Area A, the construction of Mall Drive Extended from Koger Center Boulevard through the property, and the construction of turn lanes plus installation of a traffic signal at the Koger Center Boulevard /Mall Drive Extended intersection. The approved phasing plan would also require, with initial development of Area B, construction of Mall Drive Extended from the property to Robious Road, and turn lanes plus traffic signal modification at the Robious Road/Mall Drive Extended/Cranbeck Road intersection.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this residential development. The applicant has proffered to contribute \$10,000 per unit towards mitigating the impact of the residential development (Proffered Condition 11). Typical lump sum cash proffer amounts are divided proportionally among the five (5) public facility categories. This proffer is not consistent with the Board of Supervisors' Policy. As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan. Without the applicant addressing the full traffic impact of the residential development, the Transportation Department cannot support this request.

Financial Impact on Capital Facilities:

The proffered conditions were submitted on September 11, 2006. Budget and Management has not had sufficient time to evaluate the proffers. The issues in this case are complex and time is needed to thoroughly evaluate the proposal. Deferral of the case would be appropriate.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Huguenot/Robious/Midlothian Area Plan which suggests the majority of the subject property is appropriate for a mix of integrated office parks, regional shopping centers, light industrial parks and higher density residential uses as part of a regional mixed use area. This area incorporates established commercial and office park developments extending from Midlothian Turnpike to Robious Road, and from

Huguenot Road to Johnston Willis Drive. The Plan suggests that such uses should provide appropriate transition to surrounding residential areas, with office or higher density residential uses located between the commercial and residential areas.

A portion of the property along the northeastern edge is suggested for medium density residential use of 1.51 to 4.0 units per acre; however the Plan notes that this area could be incorporated into the regional mixed use area if done in a comprehensive fashion and designed to provide compatibility with, and transition to, surrounding land uses.

Area Development Trends:

The area is characterized by larger scale commercial development focused around the intersection of Midlothian Turnpike and Huguenot Road and extending north along both the north and south lines of Koger Center Boulevard. Properties along Robious Road are developed for single family residential uses within subdivision developments or on acreage parcels, and public/semi-public uses. It is anticipated that development north of Koger Center Boulevard would employ appropriate land use transitions to protect established residential development along the Robious Road Corridor.

Development Standards:

The property is divided in two (2) development areas. Uses will be located as depicted on the Conceptual Plan (Attachment), as described in the Textual Statement and proffered conditions. The boundaries and sizes of Areas A and B may be modified so long as their relationship with each other and any other adjacent properties is maintained.

Site Design - Commercial (Area A):

The property lies within an Emerging Growth District Area. Except as noted in the Textual Statement, development of Area A must conform to Emerging Growth District requirements which address access, parking, landscaping, architectural treatment, setbacks, lighting, pedestrian access, signs, buffers, utilities and screening of dumpsters and loading areas.

Uses - Commercial (Area A):

Uses will be limited to those permitted by right or with restrictions in the Regional Business (C-4) District. Motor vehicle repair, exclusive of major body, engine and transmission repair, is a restricted use in the C-4 District. Such restrictions preclude location of this use in a shopping center. Conditions would require that this use comply with all C-4 restrictions except allowing its location within a shopping center. (Textual Statement 2)

Setbacks - Commercial (Area A):

Currently, Emerging Growth standards of the Ordinance require minimum building and parking setbacks of fifty (50) feet from Koger Center Boulevard and twenty-five (25) from Mall Drive Extended. The applicant is requesting that these setbacks be reduced to thirty

(30) feet and fifteen (15) feet, respectively (Textual Statement 3). These reductions are consistent with properties along the south line of Koger Center Boulevard, east and west of Mall Drive which are subject to less restrictive Post Development standards and are in keeping with an urban service area development.

Site Design - Residential (Area B):

Except as noted in the Textual Statement, development for multifamily uses within Area B will comply with Ordinance requirements for the R-MF District. (Textual Statement 4)

Building Height and Units per Floor – Residential (Area B):

Within an R-MF District, the Zoning Ordinance allows six (6) story buildings. To promote transition in scale to the adjoining residential developments, Proffered Condition 4 limits buildings to two (2) stories.

R-MF District requirements limit the number of units per floor to ten (10). Given the aforementioned limitation on the height of buildings, a maximum of twelve (12) units per floor is proposed. (Textual Statement 4.b)

Density and Setbacks – Residential (Area B):

R-MF standards limit density to ten (10) dwelling units per gross acre. A maximum of eighteen (18) units per acre is proposed (Textual Statement 4.a). This density is typical for R-MF development in regional-scale projects that develop in tandem with commercial uses as part of an urban service area.

Setback reductions are requested along internal roads and driveways. (Textual Statement 4.c)

Street Connectivity:

The applicant has requested a waiver to the “Residential Subdivision Connectivity Policy” to preclude connection of the development to Old Farm Road. In addition to promoting fire and emergency services safety, road connections provide interconnectivity between residential developments, thereby reducing congestion along collector and arterial roads and providing a convenient and safe access to neighboring properties.

The “Policy” allows the Board, through the Commission’s recommendation, to waive the requirement for streets in new subdivisions to connect to adjacent public streets that are designed as local streets, residential collectors and thoroughfare streets. Staff must evaluate this waiver based upon three (3) criteria: (1) there must be a sufficient number of other stub streets to adequately disperse traffic and not cause a concentrated use of any one (1) stub street; or (2) the connection to a particular stub will cause concentrated traffic at that location; (3) the projected traffic volume on any one (1) local street within an existing subdivision exceeds 1,500 vehicle trips per day. Access to the development is proposed

from Koger Center Boulevard, Mall Drive Extended and Robious Road. Connection to Old Farm Road would provide an additional avenue for dispersing traffic without putting a traffic burden on this connection. As such, staff does not support the exception to street connectivity.

Pedestrian Connectivity:

Proffered Condition 5 proposes a landscape barrier and/or fencing to deter pedestrian connection between the subject property and Larkhill Lane within the Country Place Subdivision. Connectivity between residential developments, whether by street or pedestrian connections, provides convenient and safe access to neighboring properties. As such, staff does not support the exception to pedestrian connectivity and recommends that Proffered Condition 5 not be accepted.

CONCLUSION

As noted, Budget and Management has not had sufficient time to evaluate the September 11, 2006, proffers and has, therefore, recommended that the request be deferred.

It is known that the proffered conditions do not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions do not fully mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens. Given time to evaluate the proposal it may be that there is some merit in deviating from the Policy. However, given the time constraints, deferral would be appropriate to insure that the full impact of the proposal is known.

The proposed zoning and land uses conform to the Huguenot/Robious/Midlothian Area Plan which suggests the property is appropriate for regional mixed use and medium density residential use of 1.51 to 4.0 units per acre. The Plan notes that this residential area could be incorporated into the regional mixed use area if done in a comprehensive fashion and designed to provide compatibility with, and transition to, surrounding land uses. As proffered, the request provides appropriate transition to surrounding residential areas with higher density residential uses located between the commercial and residential areas.

The application fails to address the standards by which an exception to street connectivity should be granted per the Board's adopted "Residential Subdivision Connectivity Policy". Specifically, providing connection to Old Farm Road would adequately disperse traffic from the proposed development, would not put a traffic burden on Old Farm Road and would promote a convenient and safe access between neighboring properties. Further, Proffered Condition 5 impedes pedestrian connectivity to Larkhill Lane negatively impacting access between neighboring properties.

Given these considerations, staff recommends deferral to allow time to evaluate the proposal. If The impact on capital facilities could be adequately addressed approval of the rezoning (Request I) would be appropriate subject to addressing pedestrian connectivity. As such, Proffered Condition 5 should not be accepted. Further, staff recommends denial of the waiver to street connectivity requirements. (Request II)

CASE HISTORY

Planning Commission Meeting (3/21/06):

The Commission deferred this request to May 16, 2006, thirty (30) days on their own motion and thirty (30) days at the applicant's request.

Staff (3/22/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than March 27, 2006, for consideration at the Commission's May 16, 2006, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid.

Area Property Owners, Applicant, Staff and the Midlothian District Commissioner (3/29/06):

A meeting was held to discuss this request.

Concerns included connectivity to Old Farm Road and the potential transportation impacts; compatibility between the proposed multifamily residential and existing single family residential development; commercial encroachment into single family residential area; and enhanced buffers between the proposed development and residential neighborhoods.

Applicant (3/31/06):

The deferral fee was paid.

Applicant (4/11/06):

The application was amended.

Planning Commission Meeting (5/16/06):

At the request of the applicant, the Commission deferred this case to July 18, 2006.

Staff (5/17/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 22, 2006, for consideration at the Commission's July 18, 2006, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

Board of Supervisors' Meeting (5/24/06):

On their own motion, the Board deferred this case to July 26, 2006.

Applicant (6/29/06):

The application was amended to request a waiver to street connectivity requirements to Old Farm Road. A revised Textual Statement was submitted.

Applicant (7/18/06):

The deferral fee was paid.

Planning Commission Meeting (7/18/06):

At the request of the applicant, the Commission deferred this case to August 15, 2006.

Staff (7/19/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than July 24, 2006, for consideration at the Commission's August 15, 2006, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

Staff (7/25/06):

To date, no new information has been submitted. The deferral fee has not been paid.

Board of Supervisors' Meeting (7/26/06):

On their own motion, the Board deferred this case to August 23, 2006.

Staff (7/27/06):

The deferral fee was paid.

Planning Commission Meeting (8/15/06):

At the request of the applicant, the Commission deferred this case to September 19, 2006.

Staff (8/16/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 21, 2006, for consideration at the Commission's September 19, 2006, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid.

Board of Supervisors Meeting (8/23/06):

On their own motion, the Board deferred this case to September 27, 2006.

Applicant (9/11/06):

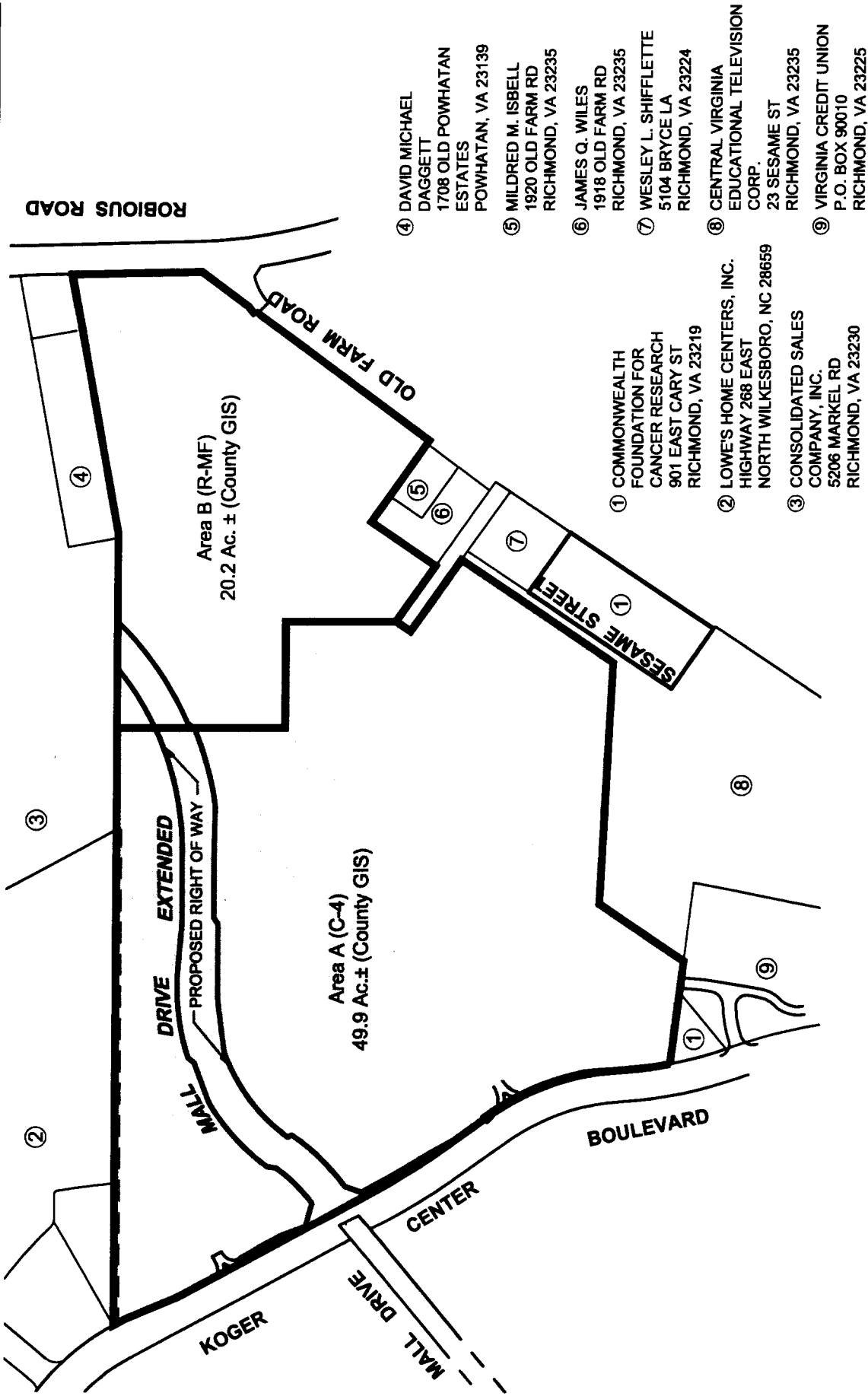
Revised proffered conditions and Textual Statement were submitted.

To date, the \$230.00 deferral fee has not been paid.

Continental 184 Fund LLC
Textual Statement

The entire Property shall be zoned C-4. In addition to uses permitted by right and with restrictions in the C-4 District, a conditional use shall permit residential multifamily on a portion of the property, and a conditional use planned development shall permit motor vehicle repair and bulk exceptions on a portion of the property, as set forth below:

1. Tracts. The Property shall be developed in two tracts depicted generally as Area A and Area B on the Conceptual Plan, prepared by Vanasse Hangen Brustlin, Inc., dated September 7, 2006 ("Conceptual Plan"). The specific tracts identified on the Conceptual Plan may be increased or decreased in size by up to five (5) acres, provided that they maintain the same relationship with each other and with adjacent properties. Area B (R-MF) may be decreased by more than five (5) acres up to a maximum of ten (10) acres subject to Schematic Plan approval by the Planning Commission and provided that Area B maintains generally the same relationship with the Old Farm and Robious Roads. The Planning Commission may also approve an increase in the maximum density specified in Proffered Condition 6, provided such increase shall be limited to that resulting from any change in area of Area A and Area B.
2. Uses. Within Area A, uses shall be limited to those permitted by right or with restrictions in the Regional Business (C-4) District and to motor vehicle repair, subject to the requirements of Section 19-159(c) (1) and (2)a, b, and c. Within Area B, uses shall be limited to those permitted in the Multifamily Residential (R-MF) District.
3. Bulk Exception for Area A. Within Area A, setbacks from Koger Center Boulevard may be reduced to a minimum of 30 feet with installation of Perimeter Landscaping C, and setbacks from Mall Drive Extended may be reduced to a minimum of 15 feet with installation of Perimeter Landscaping B.
4. Bulk Exceptions for Area B. Within Area B, development shall comply with the requirements of the of the Zoning Ordinance for the Multifamily Residential (R-MF) District except as follows:
 - a. Maximum density shall not exceed eighteen (18) dwelling units per gross acre;
 - b. Maximum number of dwelling units per floor shall be twelve (12); and
 - c. Setbacks from internal roads or driveways shall be at least fifteen (15) feet.
5. Driveways. Internal driveways providing vehicular access to development within Area B may be gated with a system approved by the Fire and Emergency Medical Services Department.



- ① COMMONWEALTH FOUNDATION FOR CANCER RESEARCH
901 EAST CARY ST
RICHMOND, VA 23219
- ② LOWE'S HOME CENTERS, INC.
HIGHWAY 268 EAST
NORTH WILKESBORO, NC 28659
- ③ CONSOLIDATED SALES COMPANY, INC.
5206 MARKEL RD
RICHMOND, VA 23230
- ④ DAVID MICHAEL DAGGETT
1708 OLD POWHATAN ESTATES
POWHATAN, VA 23139
- ⑤ MILDRED M. ISBELL
1920 OLD FARM RD
RICHMOND, VA 23235
- ⑥ JAMES Q. WILES
1918 OLD FARM RD
RICHMOND, VA 23235
- ⑦ WESLEY L. SHIFFLETTE
5104 BRYCE LA
RICHMOND, VA 23224
- ⑧ CENTRAL VIRGINIA EDUCATIONAL TELEVISION CORP.
23 SESAME ST
RICHMOND, VA 23235
- ⑨ VIRGINIA CREDIT UNION
P.O. BOX 90010
RICHMOND, VA 23225

Vanasse Hangen Brustlin, Inc.

Figure 1 September 7, 2006

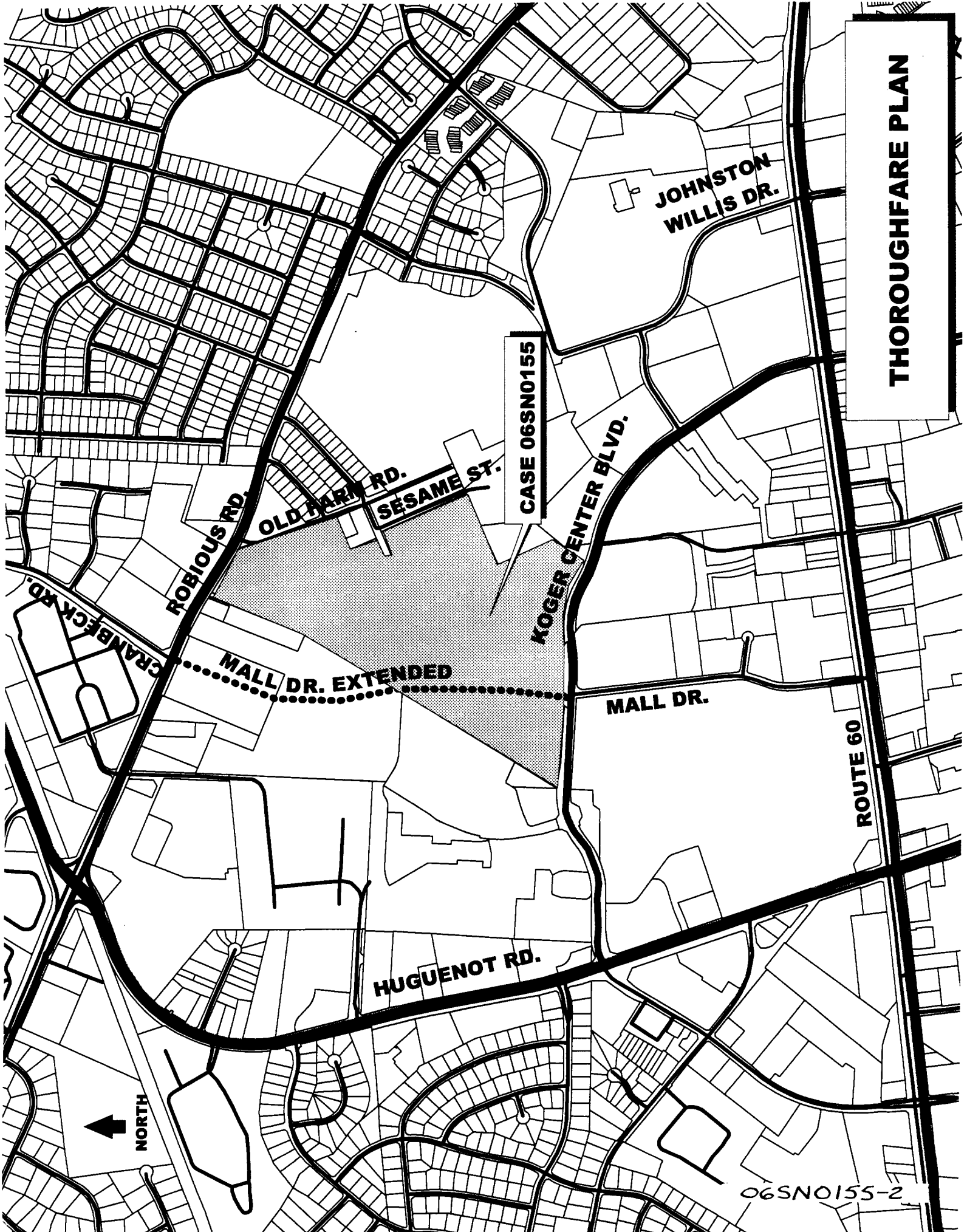
Conceptual Plan
Koger Center Boulevard
Chesterfield County, Virginia

ACREAGE BASED ON
CHESTERFIELD COUNTY GIS
BOUNDARY DATA PROVIDED
BY OTHERS



065N0155-1

THOROUGHFARE PLAN



06SN0155-2